



# TECHNICAL ADVISORY COMMITTEE (TAC)

## Meeting Minutes



October 25, 2005 10:00 a.m. – 2:25 p.m.

Office of Spill Prevention and Response  
Sacramento, California

### Attendance:

Stephen Ricks	Jonna Mazet	Matt Rezvani	Lisa Curtis	Bud Leland
Joan Lundstrom	Sejal Choski	R. Mitchell Beauchamp	Linda Sheehan	Ellen Faurot-Daniels
Gary Gregory	Linda Scourtis	Dr. Mike Ziccardi	William Bill Craven	Joy Lavin-Jones
Sue Damron	Michele Owens	Linda Green	Lisa Vandemput	Marguerite Diaz

The October 25, 2005 Oil Spill Technical Advisory Committee (TAC) meeting at the CA Department of Fish and Game, Office of Spill Prevention and Response, Sacramento, CA was called to order at 10:00 a.m. – Stephen Ricks, Chairperson, presiding.

### I. INTRODUCTIONS

STEPHEN RICKS (CHAIRPERSON)/TAC

Self introductions: TAC members, Agency participants and guests.

### II. WELCOME/GENERAL ANNOUNCEMENTS

LISA CURTIS, ACTING OSPR ADMINISTRATOR

Stephen Ricks turned meeting over to Lisa Curtis. Acting Administrator.

### III. APPROVAL OF THE MINUTES

STEPHEN RICKS (CHAIRPERSON)/TAC

- ❖ July 12, 2005 meeting minutes: Joan Lundstrom moved to approve minutes. R. Mitchel Beauchamp seconded. Approved unanimous.
- ❖ September 13, 2005 meeting minutes: R. Mitchel Beauchamp moved to approve the minutes with edits to Section IV. Matt Rezvani seconded. Approved unanimous.

### IV. AGENCY REPORTS

CCC/BCDC/SLC

#### ❖ California Coastal Commission: Daniels

Ellen Faurot-

- Area Contingency Plans: All major Area Contingency Plans have been updated. The U. S. Coast Guard sent a letter requesting that eight additional items be added to the ACPs.
- Spill Related Projects:
  - Sempra Utilities/Southern California Gas Company: Emergency Permit E-08-005G issued for cleanup and removal of contaminated soil caused by 5 barrel oil spill.
  - Santa Maria Basin and Santa Barbara Channel: suspension of 36 offshore oil and gas leases.
  - 2004 Oil Spill Response Plan Updates: Continuing review for seven OSPR plan updates for Outer Continental Shelf oil and gas platforms in federal waters offshore Santa Barbara.
  - McGrath Lake Oil Spill Restoration Project: Review of Environmental Impact Report.
  - Avila Beach Community Services Outfall Pipeline Project: Review of marine mammal monitoring plan has been completed.
  - Unocal Cojo Marine Oil Terminal and Pipeline Abandonment Project: Removal of oil pipeline disturbed surf grass colony. Commission and County staff required Unocal to provide surf grass monitoring for a period of three years to see if surf grass naturally re-colonizes
- PORTS: An overview of OSPR's role was provided by Joan Lundstrom. Federal Funding has run out for PORTS system, equipment will be taken out March 2006, unless alternate funding is found. The San Francisco Harbor Safety Committee met with the Administrator previously to discuss funding.

#### ❖ State Lands Commission:

Gary Gregory

- Personnel Issues: Inspector pay levels have not kept up with inflation. If recruitment fails, SLC may have to reclassify position would take approximately 1-2 years and would result in a pay level change.
- Marine Oil Terminal Engineering and Maintenance Standard (MOTEMS): MOTEMS has been completed and will become effective on February 6, 2006. *How many terminals need to be retrofit?* Gary Gregory estimated that 20 medium risk terminals and 14 low risk terminals will need to be retrofit. High risk terminals have 5 years to conduct first audit. After conducting the first audit, SLC will do a remediation plan. MOTEMS will become the standard for reviewing and rehabilitating the facility.
- Active Ballast Water Monitoring (ABWM): Will be implementing the California Clean Coast Act. ABWM will be monitoring SLC's sample collecting of black water/grey water and other discharges from ocean vessels in the year 2006. This could potentially draw SLC away from its OSPR responsibilities. SLC is responsible for collecting information from vessels regarding their holding capacity for black water/grey water. Each vessel is required to provide this information to SLC prior to its departure birth or in 2006. Most of the information is captured in a ballast water database. SLC has an outreach program that will begin soon. The State Water Resources Control Board (SWRCB) is responsible for the rest of the program and will be monitoring vessels that have holding capacity which may or may not discharge black water/grey water in ports. SLC is attempting to show SWRCB how to deal with the maritime industry and is meeting on this issue in November 2005.

❖ **SF Bay Conservation and Development Commission:**

*Linda Scourtis*

- SF Harbor Safety Committee (HSC): Met in September and October. BCDC staff will continue to attend all HSC meetings.
- The Ferry Operations Work Group (FOWG): Met over the summer to discuss potential operational improvements to increase safety on the congested approach to the San Francisco Ferry Building. FOWG presented suggested routing and communication protocols to the HSC in September and discussions continued in October. The National Oceanic Atmospheric Administration (NOAA) has determined that ferry routes can be drawn on their charts when agreement on the routes is reached by all parties involved.
- OSPAF: OSPR is preparing a request to the Department of Finance (DOF) to draw on the OSPAF fund to provide interim funding to enable PORTS to continue in San Francisco Bay for a two-year period. During this time, the HSC will pursue state legislation to create a permanent funding source for the operation and maintenance of the system. *The next HSC meeting is scheduled for 10 a.m. November 10, 2005, at the Port of San Francisco.*
- Area Contingency Plans: BCDC oil spill prevention staff attended the October 11, 2005 San Francisco Bay/Delta Area Committee (SFB/DAC) meeting during which a standing subcommittee was established to provide ongoing review of ACPs. Additionally, the subcommittee will investigate the creation of a statewide ACP coordinating committee. *The next SFB/DAC meeting is scheduled for 10 a.m., December 14, 2005 on Coast Guard Island, Oakland.*

**V. REGULATIONS UPDATE**

**JOY LAVIN-JONES**

- ❖ Contingency Plan Regulations: An OSPR Workgroup has been meeting to propose changes to the contingency plan regulations. Significant changes include the addition of shoreline protection requirements throughout the state. Two workshops were held in July to discuss the amendments. Two additional workshops will be held in December. The Workgroup collected the comments from the July Workshops and prepared a summary, which will be available on OSPR's website in November, along with other relevant regulation documents. The formal rulemaking process for these changes to the contingency plan regulations is projected to begin in the spring.
- ❖ SB 403 (Tug Escorts): This bill has been completely re-written so that it no longer requires tug escorts for hazardous materials. Instead, it requires the formation of a task force to study vessel shipments of hazardous materials to determine if tug escorts are needed. There will be more information on this bill at the next TAC meeting.

**VI. OSPAF SURPLUS/OPERATING BUDGET, FUND 320**

**MICHELLE OWENS**

Michelle Owens gave a presentation to explain discrepancies between the fee payer audit and revenue projections:

- ❖ The Board of Equalization (BOE) conducts audits of the returns submitted by oil refiners or “fee payers” every three years. Occasionally these audits result in a refund to the fee payer or the discovery of additional fee’s due.
- ❖ BOE’s FY 03/04 financial statement includes a \$7.3 million accrual reflecting the amount expected to be paid in FY 04/05 as a result of a (presumed) completed fee payer audit.
- ❖ \$5.8 million received in April 2005, thought to be the result of the completed fee payer audit, was deposited into Fund 320; however, BOE determined the \$5.8 million should have been deposited into the Motor Vehicle Fuel Account.
- ❖ The fee payer audit (which was thought to be completed) is still in progress and no payments have been made.
- ❖ DOF used the BOE 03/04 financial statement (including the incorrect accrual) to calculate a four (4) year revenue projection.
- ❖ OSPR projects a \$15 million balance in Fund 320 by June of FY 06/07.

**VII. LETTER TO GOVERNOR AND  
LEGISLATURE REGARDING DOF AUDIT**

**STEPHEN RICKS/JONNA MAZET/MATT REZVANI**

A subcommittee was formed in June (Stephen Ricks, Jonna Mazet and Matt Rezvani), who decided to address recommendations and comments discussed as part of the Executive Summary.

- ❖ The subcommittee wrote a letter with ten specific questions to Carlton Moore, Administrator on June 16, 2005 focusing on how many positions are still needed and what mandates are not being fulfilled.
- ❖ On October 20, 2005, a draft letter by the subcommittee was provided to the TAC addressing the prudent

recommendations of the audit committee, findings, and inadequacies from indirect costs charged to the OSPAF.

❖ Recommendations:

- Full disclosure from DFG regarding their distributed administrative methodologies and the distribution of indirect cost. Reduced overhead rate on remediation pass through; however, most departments are going through NFWF.
- Develop a subcommittee on how reserves should be spent (agreed with audit). The TAC committee agreed with concept of prudent reserve and also agreed that if all the mandates were met and a reserve was still accumulating than a decrease in the fund should be considered by the Administrator. The subcommittee was not sure if it was worth an audit of the small fee payer and suggested maybe doing a sample audit.
- Improved spill data collection and analysis to include a monitoring group.
- Review electronic contingency plan program.
- Conduct an analysis of the current planning and response for inland spills, and propose legislation to clarify points made in the DOF audit regarding OSPR's role in inland spill response.
- Setup process to obtain information regarding funds which are managed and legislatively attached to the Administrator.
- Transfer some management authority back to OSPR or put policy in place to give OSPR the ability to track OSPR funds.

Jonna Mazet will revise and redistribute the letter to TAC and OSPR for review with Stephen Ricks' signature by January 2006. TAC will take action to send the letter to the Legislature by June 2006.

Joan Lundstrom moved to approve the letter with edits. Matt Rezvani seconded. Unanimously approved

**VIII. LETTER REGARDING STATUS OF FUND 321**

**OSPR/TAC**

A Subcommittee was formed by TAC to investigate why the Oil Spill Response Trust Fund (OSRTF) level was low and possibly reinstituting the 25 cent per barrel fee to replenish the fund.

- ❖ The TAC agreed to write a letter to the Governor to make some recommendations. Matt Rezvani will draft the letter to address three issues:
  - 1) Recommend that all monies be returned to the fund.
  - 2) Recommend that a full accounting be made to understand the magnitude of how much was missing.
  - 3) Have new protocols and procedures put in place and have the Administrator administer the fund and know exactly what transactions are taking place both in and out of the fund.
- ❖ The Subcommittee met with the Director, DFG: R. Mitchell Beauchamp suggested that the subcommittee memorialize the meeting with Director and have minutes to document the meeting with the Director.

**IX. ELECTION OF CHAIR AND VICE-CHAIR FOR 2006-7**

**STEPHEN RICKS (CHAIRPERSON)**

R. Mitchel Beauchamp moved to keep the Chair and Vice Chair positions unchanged. ? seconded. TAC voted unanimously to keep positions unchanged.

**X. OLD/NEW BUSINESS**

❖ *Suggested Agenda Action Items for next meeting*

- Legislative update.
- Fund 321 and 4.5 cent fee.
- Status on OSPR's response to independent audit.
- Perata response letter addressing OSRTF.
- DFG Director's meeting:
  - Provide meeting minutes to the TAC; and
  - Draft letter to Director memorializing meeting.
- Briefing on reservoir spill in the Los Angeles area.
- Drills and exercises.
- Special reports.
- Activities and current events.
- Briefing or update on inland oil spills

❖ *Dates and location of 2006 meetings*

- January 24, 2006 – San Diego, CA
- April 25, 2006
- July 25, 2006
- October 24, 2006

ADJOURN